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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Review of the Section 251 Unbundling	)	
Obligations of Incumbent Local Exchange	)	CC Docket No. 01-338
Carriers	)	
	)	
Petition for Declaratory Ruling of	)	
WorldCom, Inc., for a Ruling that ILECs	)	
are Prohibited from Imposing Use	)	
Restrictions on UNEs such as LIDB	)	

**AT&T COMMENTS**

AT&T Corp. ("AT&T") submits the following comments in support of WorldCom's Petition for Declaratory Ruling ("Petition") that requesting carriers may purchase access to incumbent LEC ("ILEC") Line Identification Databases ("LIDBs") as unbundled network elements at cost-based rates in connection with the provision of interexchange and exchange access services.

**Argument**

The Petition arises from issues that were left unresolved in the Commission's arbitration of the Virginia interconnection agreement between WorldCom and Verizon. There is no dispute here that LIDBs are unbundled network elements ("UNEs"). Indeed, there could be no such dispute, because the Commission's rules specifically define the LIDB as a UNE. 47 C.F.R. § 51.319(e)(2)(i).

Moreover, the dispute between WorldCom and Verizon arises from the fact that, in the arbitration, the Common Carrier Bureau declined to rule on the specific issue raised in the Petition because it found that there was no specific contractual language before it upon which to act. *See* Petition at 2. The arbitration order did, however, state

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that if *Verizon* believed that WorldCom's request for access to LIDB as a UNE at cost-based rates in connection with interexchange and exchange access calls violated the parties' agreed contract language, their current interconnection agreement or the Commission's rules or orders, it could raise the issue in an appropriate forum. But given Verizon's (and other carriers') existing practice, *i.e.*, to continue to insist that requesting carriers may only access LIDB as a UNE to provide local services, WorldCom has sought relief by filing this Petition. *Id.* at 3.

The issue, however, is straightforward. As noted above, there is no legitimate dispute that LIDBs are UNEs. Section 251(c)(3) of the Act permits requesting carriers to use UNEs in connection with the provision of any telecommunications services they seek to offer. The interexchange and exchange access services that WorldCom (and other carriers) provide using LIDB access are indisputably "telecommunications" services.<sup>1</sup> And there is no evidence that the ILECs' unilaterally imposed restriction on the use of UNEs serves any legitimate purpose. Thus, the Commission should promptly grant WorldCom's Petition.

The Commission has properly found that LIDBs are UNEs because there is no comparable collection of data that carriers can use to validate whether calls are being made to valid telephone numbers, whether calls are charged to valid ILEC calling cards and whether customer lines are subject to particular types of screening (*e.g.*, whether they

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<sup>1</sup> See *Local Competition Order* ¶ 356 ("exchange access and interexchange services are telecommunications services"); *UNE Remand Order* ¶ 484.

will accept or reject collect calls).<sup>2</sup> Moreover, LIDBs provide the same functionalities, generally using the same technical and physical assets, for all types of calls, regardless of whether they are local or interexchange in nature. And the ILECs have not provided -- and cannot provide -- a shred of evidence to show there is any policy, practical or economic difference (other than the higher charges they seek to collect) that varies by type of call. Thus, there is no rational reason to permit ILECs to charge non cost-based rates for access to LIDB in connection with a requesting carrier's provision of interexchange or exchange access services.

Further, the need to keep parity of costs between ILECs and competitors is increasingly important as RBOC 271 applications are granted and they enter the interexchange market and use these very same LIDB capabilities in connection with their own interexchange services. Indeed, other than attempting to obtain extra non cost-based revenues from their rivals, there is no basis for Verizon's (or any ILEC's) assertion that it should be allowed to charge different rates for identical LIDB functionalities that are provided over the same facilities.

Finally, the Commission's existing rules preclude any ILEC claim that they should be permitted to act in such a discriminatory manner. Those rules permit requesting carriers to use all of the features, functions and capabilities of any UNE to provide any telecommunications service. *E.g.*, 47 C.F.R. §§ 51.307(c), 51.309(a), 51.311(a), 51.313(b). And critically, the ILECs offer neither specific facts nor any

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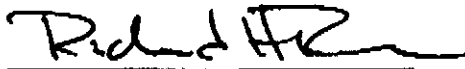
<sup>2</sup> *UNE Remand Order* ¶ 410 ("there are no alternatives of comparable quality and ubiquity available to requesting carriers as a practical, economic and operational matter, for the incumbent LECs' call-related databases").

legitimate policy reasons<sup>3</sup> supporting the arbitrary distinctions they seek to impose to raise competitors' costs.

Accordingly, the Commission should grant WorldCom's petition and declare that requesting carriers may access LIDB as a UNE at cost-based rates in connection with the provision of all types of telecommunications services.

Respectfully submitted,

AT&T Corp.

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<sup>3</sup> See Petition n.11 (noting that the Commission has only authorized a single service based use restriction, and then only on an interim basis in order to review the impacts of such unbundling on universal service.) The instant Petition raises no similar issue.